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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,649	07/07/2000	Matthew T. Uyttendaele	149497.2	6505

27662 7590 11/26/2003  
LYON & HARR, LLP  
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OXNARD, CA 93036

EXAMINER
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WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/26/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/611,649

Applicant(s)

UYTTENDAELE ET AL.

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-5, 7-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-21, 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicants' response to the last Office Action, filed June 2, 2003 has been entered and made of record.

***Remarks***

2. Applicant's arguments with respect to claims 1-5, 7-21, 23-30 have been fully considered, but they are not persuasive.

- a. Applicant argues that Furlan does not have the limitation of "each frame segment is **appended with an indicator** which identifies what frame and what frame segment (i.e., what region of the panoramic frame) the accompanying image data relates to." And in Furian, "in fact, given the client-based approach of the Furian invention, it is likely that an indicator is not appended." This is because 1) the client must know beforehand what tile is needed, Thus, there must be some type mapping is agreed to by the client and server; 2) if the client knows what tile to order... no use of the indicator would be and no need for the indicator. (emphasized by the Examiner).

Examiner disagrees. However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation. The specification is not measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. *Ir re Sporck*, 55CCPA 743, 386 F. 2d 924, 155 USPQ 687 (1968). In the instant case, first, the claim language calls for "creating a **data file** comprising **the data associated with...** and **an indicator associated with...**" (emphasized by the Examiner). Contrast to Applicant's argument, there is no such a claim language that each frame segment is **appended with an indicator**. Here, "associated with" is not and perhaps can not be read to narrow meaning of "appended with" because 1) this is a

Art Unit: 2623

created data file with the data and the indicator, and how to append the indicator in the data file to the segment?; and 2) even if considering the indicator is not in the data file but associated with the data of the data file, there are many other ways to associate the indicator to the data other than "append". Furlan provides one way to associate the indicator (tile position) by assigning them to their own multicast channel. Limitations contained in the specification as argued by the Applicant can not be read into the claims for the purpose of avoiding Furlan. The Examiner has carefully read the claim language and firmly believes that the claim language only expressly mention creating a data file and, in the file, there are the data associated with each frame region (which can be tiles) of the panoramic video and an indicator (which can be a position or similar information) associated with the data (the tiles) of each frame that identifies its corresponding panoramic video frame and its location within that frame. Second, Furlan clearly teach that creating a data file includes the data (tiles) associated with the each frame region (the file is a frame region) and an indicator (tile position) associates with (assigned) to own channel (own frame).

Finally, Applicant makes several unsupported assertions that Furlan's tiles does not need position information or indicator. Furlan gives the answer for those unsupported assertions. Furlan **expressly** teach that tile streaming (fig. 4 and 12) that "**each tile position** is assigned its own multicast channel" (col. 12 lines 12-13). In addition, Examiner reminds the Applicant that Applicant's own system is client-server system and the client also can choose a portion (tile) of the frame (see claim 11). If Applicant's assertion is true, the indicator claimed by Applicant should not be needed too.

Art Unit: 2623

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-21, 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6337708 to Furian et al. (a reference of record).

As to claim 1, Furian discloses a process of encoding frames of a panoramic video so as to allow selective decoding of the frame, comprising the process actions of:

segmenting each frame of the panoramic video into plural corresponding regions (tiles, col. 4 lines 65-67); and

separately encoding each region of the panoramic frames (col. 4 lines 65-67), wherein encoding the frame regions of the panoramic video comprises creating at least one data file comprising the data (tiles) associated with each frame region of each frame of panoramic video (col. 5 line 17-col. 6 line 37) and an indicator (assignment of tile position) associated with the data of each frame region that identifies its corresponding panoramic video frame and its location within that frame (Fig. 4-6, and 12, col. 5 line 17-col. 7 line 56, col. 12 lines 6-20, col. 15-16).

As to claim 2, Furian further discloses segmentation of the panoramic video into tiles pattern (Figs. 4-5, col. 4 lines 65-67).

As to claim 3, Furian further discloses the action of decoding only those encoded regions of each panoramic video frame needed to display a prescribed portion of the scene depicted by each frame (col. 7 line 18-col. 8 line 43,).

As to claim 4, the limitations are addressed with regard to claim 1.

As to claim 5, Furian further discloses for each frame, obtaining information, as to what portion of a scene depicted by the frame under consideration of user and sending only those frame portions to the user (col. 11 line 50-col. 12 line-58).

As to claims 7-10, Furain further discloses creating data file for each tile (tile streaming Fig. 4 ,9 and 12), creating an indicator for each separated region (tile) (Fig. 4-6, 12, col. 5 line 17-col. 7 line 56, col. 12 lines 6-20), sending the data file from a server to client (Fig. 4).

As to claims 11-13, Furain further discloses a user can view only a portion of the panoramic video by identifying what portion the user wants to view, and the sever will send data files comprising the portion identified to the viewer on client side via two way communication network (col. 7 line 18-col. 8, col. 11-col. 12).

As to claim 14, Furain further discloses storage medium accessible by the viewer (Fig. 4 and 10).

As to claim 15, the limitations are addressed with regard to claims 11-13.

As to claims 16-21, 23-30, the limitations are addressed with regard to claims 1-5, 7-15.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9306.

Jingge Wu

Primary Patent Examiner